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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,867	09/22/2003	Eduard K. de Jong	SUN-040105	2666
24209 7590 03/07/2007 GUNNISON MCKAY & HODGSON, LLP 1900 GARDEN ROAD SUITE 220 MONTEREY, CA 93940			EXAMINER ABYANEH, ALI S	
			ART UNIT 2137	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/668,867

Applicant(s)

DE JONG, EDUARD K.

Examiner

Ali S. Abyaneh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4-20-04, 4-13-04 and 12-29-03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-58 are presented for examination.
2. Preliminary amendment to the specification has been acknowledged.

Information Disclosure Statement PTO-1449

3. The Information Disclosure Statement submitted by applicant on 12-29-03, 04-13-04 and 04-20-04 has been considered. Please see attached PTO-1449.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, 6-13, 15-22, 24-29, 35, 38, 41, 44, 47, 50 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Madison et al. (US Publication NO 2004/0015703), in view of Peterka et al. (US Publication NO 2003/0140257).

Regarding claim 1, 10, 19 and 28

Madison teaches a method for digital content access control, comprising:
sending a digital content request comprising a request for digital content
(paragraph [0040]); receiving an authenticated digital content request in
response to said sending said digital content request (paragraph [0055]); sending

said authenticated digital content request including one or more delivery parameters to a content repository that provides storage for said digital content, said one or more delivery parameters identifying a target device to receive digital content referenced by said authenticated digital content request; receiving encrypted digital content in response to said sending said authenticated digital content request (paragraph [0033]-[0035]). Madison does not explicitly teach, sending said encrypted digital content to said target device, said target device for decrypting said encrypted digital content to create decrypted digital content and for rendering said decrypted digital content on said target device. However, in an analogous art, Peterka teaches sending said encrypted digital content to said target device, said target device for decrypting said encrypted digital content to create decrypted digital content and for rendering said decrypted digital content on said target device (column [0071]-[0072]). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Madison to include sending said encrypted digital content to said target device, said target device for decrypting said encrypted digital content to create decrypted digital content and for rendering said decrypted digital content on said target device. This would have been obvious because person having ordinary skill in the art at the time the invention was made would have been motivated to do so in order to transmit content and to manage transmission of the content from a content provider to a caching server and then from the caching server to a viewer (paragraph [0015]).

Regarding claim 35, 38, 41, 44, 47, 50 and 53

Madison teaches a method for digital content access control, comprising: receiving a token comprising a cryptogram based at least in part on an identifier that describes the location of said digital content (paragraph [0027]). Madison does not explicitly teach preparing a session key, said preparing comprising applying a cryptographic process to a key based at least in part on said token together with a target key to create said session key, said target key based at least in part on a master key and a target ID, said target ID identifying a target device; receiving encrypted digital content; decrypting said encrypted digital content using said session key to create decrypted digital content; and rendering said decrypted digital content. However, in an analogous art, Peterka teaches preparing a session key, said preparing comprising applying a cryptographic process to a key based at least in part on said token together with a target key to create said session key, said target key based at least in part on a master key and a target ID, said target ID identifying a target device (paragraph [0040]-[0042]); receiving encrypted digital content; decrypting said encrypted digital content using said session key to create decrypted digital content; and rendering said decrypted digital content (paragraph [0035]). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Madison to include teach preparing a session key, said preparing comprising applying a cryptographic process to a key based at least in part on said token together with a target key to create said session key, said target key

based at least in part on a master key and a target ID, said target ID identifying a target device; receiving encrypted digital content; decrypting said encrypted digital content using said session key to create decrypted digital content; and rendering said decrypted digital content. This would have been obvious because person having ordinary skill in the art at the time the invention was made would have been motivated to do so in order to transmit content and to manage transmission of the content from a content provider to a caching server and then from the caching server to a viewer (paragraph [0015]).

Regarding claim 2-4, 11-13 and 20-22

Madison and Peterka teach all limitation of the claim as applied to claim 1, 10 and 19 above. Madison furthermore teaches, said digital content request comprises a Universal Resource Locator (URL); and said authenticated digital content request comprises a tokenized URL; wherein said tokenized URL further comprises a token comprising a cryptogram based at least in part on an identifier that describes the location of said digital content; and sending said token to said target device (paragraph [0036], [0037]).

Regarding claim 6, 15 and 24

Madison and Peterka teach all limitation of the claim as applied to claim 1, 10 and 19 above. Madison furthermore teaches a method wherein said one or more delivery parameters comprises a serial number uniquely identifying said

target device (paragraph [0040]).

Regarding claim 7-9, 16-18 and 25- 27

Madison and Peterka teach all limitation of the claim as applied to claim 1, 10 and 19 above. Peterka furthermore teaches a method wherein said one or more delivery parameters comprises a master key indicator for use in decrypting an encrypted form of said digital content; wherein said one or more delivery parameters comprises a key derivation process indicator for use in deriving a cryptographic key for decrypting an encrypted form of said digital content; and said one or more delivery parameters comprises a cryptographic process indicator that specifies a cryptographic process supported by said target device (paragraph [0049]-0053)).

Regarding claim 29

Madison and Peterka teach all limitation of the claim as applied to claim 28 above. Madison furthermore teaches an apparatus wherein said processor is further configured to receive said digital content in response to said authenticated digital content request (paragraph [0060]).

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6. Claims 5, 14, 23, 37, 40, 43, 46, 49 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Madison et al. (US Publication NO 2004/0015703), in view of Peterka et al. (US Publication NO 2003/0140257) further in view of Arias et al. (US Publication NO 2002/0072413).

Regarding claim 5, 14, 23, 37, 40, 43, 46, 49 and 52

Madison and Peterka teach all limitation of the claim as applied to claim 3, 12, 22, 35, 38, 44, 47 and 50 above. Madison and Peterka do not explicitly teach token is from a token pool associated with the location of digital content for which access is authorized. However, in an analogous art, Arias teaches token is from a token pool associated with the location of digital content for which access is authorized (paragraph 0026)). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Madison and Peterka to include token from a token pool associated with the location of digital content for which access is authorized. This would have been obvious because person having ordinary skill in the art at the time the invention was made would have been motivated to do so in order to provide a unique and flexible methodology and structure for obtaining and enjoying collectible items (paragraph [0005]).

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7. Claims 30-34, 36, 39, 42, 45, 48, 51 and 54-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Madison et al. (US Publication NO 2004/0015703), in view of Peterka et al. (US Publication NO 2003/0140257) further in view of Mukerjee et al. (US Publication NO 2003/0073440).

Regarding claim 30, 36, 39, 42, 45, 48, 51 and 54

Madison and Peterka teach all limitation of the claim as applied to claim 28, 35, 38, 41, 44, 47, 50 and 53 above. Madison and Peterka do not explicitly teach wherein said apparatus comprises a smart card. However, in an analogous art, Mukerjee teaches an apparatus comprises a smart card (paragraph [0054]). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Madison and Peterka to include an apparatus comprises a smart card. This would have been obvious because person having ordinary skill in the art at the time the invention was made would have been motivated to do so since smart card are well known and widely used in the art.

Regarding claim 31-34 and 55- 58

Madison, Peterka and Mukerjee teach all limitation of the claim as applied to claim 30 and 54 above. Mukerjee furthermore teaches, wherein said smart card comprises a Java Card.TM. technology-enabled smart card; wherein said smart card comprises a CDMA (Code Division Multiple Access) technology-

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enabled smart card; wherein said smart card comprises a SIM (Subscriber Identity Module) card; and wherein said smart card comprises a WIM (Wireless Interface Module) (paragraph [0054]-[0060]).

References Cited, Not Used

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

1. U.S. Publication No. 2003/0208777

This reference relates to methods, program products and systems for addressing a broadcast message.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Abyaneh whose telephone number is (571) 272-7961. The examiner can normally be reached on Monday-Friday from (8:00-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone numbers for the organization where this application or proceeding is assigned as (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

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more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ali Abyaneh *AA*
Patent Examiner
Art Unit 2137
02/27/07

Emmanuel L. Moise
EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER